



**TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE FOR THE STATE OF CONNECTICUT: Raised Bills 5642 and 18.**

**March 23, 2016**

Good morning Senator, Coleman, Representative Tong, Senator Kissel, Representative Rebinbas and distinguished members of the committee. This testimony is submitted by Attorney Sarah Eagan, the Child Advocate for the State of Connecticut. Thank you for the opportunity to offer testimony regarding the committee's raised bills. The broad statutory obligations of the Office of the Child Advocate (OCA) include reviewing, evaluating and reporting on the efficacy of child-serving systems throughout the state. OCA meets regularly with lawmakers, policy-makers and other stakeholders to review and advocate for policies and practices that will promote children's well-being.

**OCA Supports House Bill 5642 An Act Concerning the Juvenile Justice Planning and Oversight Committee**

The OCA strongly supports the reforms outlined in HB 5642 which will continue Connecticut's legacy as a national leader in juvenile justice reform by implementing important recommendations developed by the multi-disciplinary and multi-agency Juvenile Justice Planning and Oversight Committee (JJPOC).

**2015 Pew Charitable Trusts Report: Re-Examining Juvenile Incarceration.**

**"A growing body of research demonstrates that for many juvenile offenders, lengthy out-of-home placements in secure corrections or other residential facilities fail to produce better outcomes than alternative sanctions. In certain instances, they can be counterproductive. Seeking to reduce recidivism and achieve better returns on their juvenile justice spending, several states have recently enacted laws that limit which youth can be committed to these facilities and moderates the length of time they can spend there."**

**Recommendations in 5642 Derive from the JJPOC's Months-long Multi-disciplinary Work**

The reforms outlined in HB 5642 arise from approximately 18 months of work by the JJPOC—a multi-agency group created by statute for the purpose of ensuring greater effectiveness, transparency and accountability of our state's juvenile justice system. The JJPOC has membership from all branches of government, including multiple members of the Judicial Branch, the Legislature and the Executive Branch. Also represented on the JJPOC are family advocates, service providers, prosecutors, public defenders, education experts and researchers. Recommendations for diversion, reduced incarceration, educational reform, among others, were developed by the JJPOC and its corresponding sub-groups

over a period of many months. The recommendations have been voted on and approved by a significant majority of the JJPOC members.

Recommendations in 5642 Will Reduce the Detention Population in Accordance with National Recommendations and Best Practices

Research from around the country confirms that unnecessary involvement in the juvenile justice system *increases* rather than decreases the likelihood of future incarceration. A study in the Journal of Criminal Justice showed that prior incarceration “was a greater predictor of recidivism than carrying a weapon, gang membership, or poor parental relationship.”<sup>1</sup> Research demonstrates the potentially profound negative impact on youth who are detained or incarcerated and studies show that once a youth is incarcerated, they are more likely than non-detained youth with similar offense histories to move deeper into the juvenile justice system.<sup>2</sup>

Research has shown that many youth grow out of anti-social or delinquent behavior as they age and mature.<sup>3</sup> Interventions for juvenile offenders must be “aimed explicitly at facilitating the development of psychosocial maturity and special care should be taken to avoid exposing young offenders to environments that might inadvertently derail this developmental process.”<sup>4</sup>

A recent study sponsored by the Department of Justice Office of Juvenile Justice and Delinquency Prevention looked at the trajectory for juvenile offenders, concluding that “the vast majority of juvenile offenders grow out of antisocial activity as they make the transition to adulthood.... It is therefore important to ask whether the types of sanctions and interventions that serious offenders are exposed to are likely to facilitate this process or are likely to impede it.”<sup>5</sup>

This bill would reduce the use of juvenile detention by permitting detention only for youth only in the following circumstances:

- A youth is a threat to public safety,
- Youth is a risk not to appear for his or her court date,
- Youth is being held for another jurisdiction under the interstate compact.
- A Youth may be returned to detention on a violation of a court order if the violation is the result of the child committing a crime. (Sections One and Four)

The bill requires the use of a **validated risk assessment instrument** to be used to assist with the above-referenced determinations. (Section Two)

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<sup>1</sup> Benda, B.B. and Tollet, C.L. (1999), “A Study of Recidivism of Serious and Persistent Offenders Among Adolescents.” Journal of Criminal Justice, Vol. 27, No. 2 111-126.

<sup>2</sup> Holman, B., Ziedenberg, J., *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, A Justice Policy Institute Report (2006) at 5.

<sup>3</sup> Steinberg, Laurence; Cauffman, E.; Monahan, K.; *Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offender* (Mar. 2015),

<sup>4</sup> Id.

<sup>5</sup> Id. *citing* Steinberg, Chung, and Little, 2004.

The bill reduces the time in between court hearings for detained youth so that youth can be moved expeditiously to the most appropriate setting.

These recommendations move Connecticut even closer to the evidence and best practice guidelines promulgated by juvenile justice experts. Multiple reports around the country now show that *youth who are diverted and supported in the community have better outcomes* than youth who are incarcerated.<sup>6</sup>

“In Texas, a recent study found that youth in community-based treatment, activity, and surveillance programs had lower rearrest rates than those with similar criminal histories and demographic characteristics who were released from state facilities.”<sup>7</sup>

#### Recommendations in 5642 Will Improve Educational Outcomes for Youth (Sections 12 -- 28)

Children and youth in the juvenile justice system have significantly unmet or unresolved education and mental health needs.

Educational researchers have found that upwards of 40 percent of incarcerated youth have a learning disability, and they will face significant challenges returning to school after they leave detention.<sup>8</sup>

HB 5642 works to build on Connecticut’s efforts to address these unmet needs in the following ways:

- Dissemination of effective plans to support implementation of truancy intervention models, reduction in the school-to-prison pipeline practices, and implementation of restorative justice models in lieu of arresting youth and relying on exclusionary discipline practices.
- Provide youth with educational supports at each stage of the juvenile justice system, whether on probation, detained or re-entering the community.
- Strengthen interagency collaboration, monitoring and accountability for educational service delivery and outcomes within the juvenile justice population.

#### Recommendations in 5642 Will Improve Transparency and Accountability for the Juvenile Justice System (Secs. 33 – 36).

The twin goals of the juvenile justice system are rehabilitation and public safety. It is critical for stakeholders and lawmakers to understand what parts of the system are effective and what needs to be eliminated or strengthened. The core indicator in this system is recidivism.

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<sup>6</sup> Pew Charitable Trusts (2015) *Re-Examining Juvenile Incarceration: High Cost, Poor Outcomes Spark Shift to Alternatives*, a Report of the Public Safety Performance Project. Found on the web at: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

<sup>7</sup> Pew Charitable Trusts (2015), citing Tony Fabelo et al., “Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms” (January 2015), <http://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>.

<sup>8</sup> Holman, B., Ziedenberg, J., *supra*, at 2.

HB 5642 strengthens the state's approach to understanding and reducing recidivism data in the juvenile justice system. The bill provides for the adoption of a recidivism framework across the system and a neutral body that will report on outcomes for all youth.

HB 5642 provides for the planned closure of CJTS by July 1, 2018 through joint planning by DCF and the JJPOC (Section 8).

OCA supports the planned closure of CJTS, an outdated juvenile prison built 15 years ago and which has never shown to positively impact rehabilitation or public safety. The institution costs over \$50 million a year to run, and in today's difficult fiscal climate, drains resources from badly needed supports in the community.

Today, CJTS is housing less than 50 youth in a complex initially built to incarcerate more than 200 boys. The facility has all the hallmarks of a correctional program, with sally ports, security fencing, uniformed boys, isolation cells and correctional "pods" for housing. Though the facility was controversial when it was built in 2001, today we know even more about the expense and ineffectiveness of juvenile prisons.

OCA issued a report only 9 months ago outlining significant concerns about youths' safety and well-being in the program, including frequent self-injurious or suicidal behaviors by high-risk boys and an over-reliance on restraint and seclusion and arrests within the facility (almost 50 arrests in one year's time). OCA remains concerned about the safety of the buildings, including Pueblo (the girls' unit that is part of CJTS), and whether the plant is adequately suicide resistant. Consistent with the 2015-issued CJTS Action Plan DCF is currently undergoing an outside audit of the safety of the physical structures. Yet we also know that youth who are placed in locked juvenile correctional programs are considered a suicide risk *simply due to their confinement*.

OCA strongly supports the utilization of smaller, therapeutically designed secure and staff secure programs for youth who are assessed as highest risk in the juvenile justice system. OCA also supports the re-allocation of state resources to strengthen the continuum of supervision, mental health, housing, and educational/vocational supports for youth. Connecticut's talented non-profit provider community can play a larger role in serving high-risk youth and the state has multiple blueprints and technical guidance from some of the nation's leading juvenile justice experts to support this work.

#### **OCA Support Senate Bill NO. 18: AN ACT CONCERNING A SECOND CHANCE SOCIETY**

The OCA strongly supports An Act Concerning A Second Chance Society, an important vision for reform that will increase opportunities for meaningful rehabilitation of young adult offenders, improve public safety and more effectively use taxpayer resources.

Research around the country confirms that young adult brains are not fully developed until age 25 and that, as stated above, youth often grow out of anti-social and delinquent behaviors as they mature into adulthood. Research also confirms that the deeper young people move into the juvenile and adult criminal justice systems, the *more likely they are to commit crimes* and that *youth transferred to the adult correctional system re-offend at a higher rate* than those kept in the juvenile justice system.<sup>9</sup>

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<sup>9</sup> Zeidenberg, J., "You're An Adult Now: Youth in Adult Criminal Justice Systems," National Institute of Corrections, U.S. Department of Justice, December 2011.

~~SB 18 would incrementally raise the age of juvenile court jurisdiction to 21 through July 1, 2019.~~

**“Our new understanding of the developmental process through young adulthood and historical shifts in the early life course demand new kinds of institutions. Young adults are malleable, and systematic changes that positively affect their lives can have long-lasting, perhaps permanent, impacts on them and, subsequently, on their communities.”—Executive Session on Community Corrections, “New Thinking in Community Corrections,”—2015.**

A major new report issued by the Executive Session on Community Corrections recommends that the criminal justice system be reformed to reflect the modern understanding of adolescent and young adult development and brain function. The primary recommendation from this group of national experts is that the age of juvenile court jurisdiction be raised to age 21.<sup>10</sup>

Additional recommendations from the new report included the development of additional community-based supports, family connection efforts and increased opportunities for educational completion and employment.

The Second Chance Act is consistent with the leading science and recommendations from national experts in juvenile justice and adult criminal justice reform. This vision is a continuation of Connecticut’s ongoing work to dramatically reduce juvenile incarceration while also reducing the rate of young adult crime.

The State also has a three-branch policy and oversight committee--The Juvenile Justice Policy and Oversight Committee (JJPOC)—with representation from many key stakeholders in our juvenile and adult criminal justice system that can carefully work to implement the recommendations of the Second Chance Society for juveniles and young adults.

The Office of the Child Advocate strongly supports a juvenile and criminal justice system that protects communities, supports youth, holds youth accountable for their behavior, teaches and rehabilitates youth so that they can become productive members of their communities. Connecticut has been a leader on juvenile and criminal justice reform, and this Act will ensure that our state’s criminal and juvenile justice reforms adhere closely to scientific recommendations and best practices to promote individual rehabilitation and public safety.

Thank you very much for this opportunity to submit testimony.

Sincerely,

Sarah Eagan, JD, Child Advocate, State of Connecticut

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<sup>10</sup> Schiraldi, V.; Western B; Bradner, K, *Community-based Responses to Justice-Involved Youth—New Thinking in Community Corrections* (sept. 2015).

